

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 340, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between lines 4 and 5, begin a new paragraph and insert:
2 "SECTION 2. IC 31-17-2-16 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. Upon:
4 (1) the court's own motion;
5 (2) the motion of a party;
6 (3) the motion of the child; ~~or~~
7 (4) the motion of the child's guardian ad litem; **or**
8 **(5) the motion of the court appointed special advocate;**
9 the court may order the custodian or the joint custodians to obtain
10 counseling for the child under such terms and conditions as the court
11 considers appropriate."
12 Page 3, between lines 14 and 15, begin a new paragraph and insert:
13 "SECTION 4. IC 31-34-2.5-4 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Whenever a child is
15 taken into custody without a court order under this chapter, the attorney
16 for the county office of family and children shall, without unnecessary
17 delay, request the juvenile court to:
18 (1) authorize the filing of a petition alleging that the child is a
19 child in need of services;
20 (2) hold an initial hearing under IC 31-34-10 not later than the

1 next business day after the child is taken into custody; and
 2 (3) appoint a guardian ad litem **or a court appointed special**
 3 **advocate** for the child."

4 Page 3, line 34, delete "bests" and insert "**best**".

5 Page 3, after line 34, begin a new paragraph and insert:

6 "SECTION 6. IC 31-34-10-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The juvenile
 8 court shall hold an initial hearing on each petition.

9 (b) The juvenile court shall set a time for the initial hearing. A
 10 summons shall be issued for the following:

11 (1) The child.

12 (2) The child's parent, guardian, custodian, ~~or~~ guardian ad litem,
 13 **or court appointed special advocate.**

14 (3) Any other person necessary for the proceedings.

15 (c) A copy of the petition must accompany each summons. The clerk
 16 shall issue the summons under Rule 4 of the Indiana Rules of Trial
 17 Procedure.

18 SECTION 7. IC 31-34-22-2 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as
 20 provided in subsection (b), a report prepared by the state:

21 (1) for the juvenile court's review of the court's dispositional
 22 decree; or

23 (2) prepared for use at a periodic case review under IC 31-34-21-2
 24 or hearing under IC 31-34-21-7;

25 shall be made available to the child and the child's parent, guardian,
 26 guardian ad litem, **court appointed special advocate**, or custodian
 27 within a reasonable time after the report's presentation to the court or
 28 before the hearing.

29 (b) If the court determines on the record that the report contains
 30 information that should not be released to the child or the child's parent,
 31 guardian, or custodian, the court shall provide a copy of the report to
 32 the following:

33 (1) Each attorney or guardian ad litem representing the child.

34 (2) Each attorney representing the child's parent, guardian, or
 35 custodian.

36 (3) Each court appointed special advocate.

37 (c) The court may also provide a factual summary of the report to
 38 the child or the child's parent, guardian, or custodian.

(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.

SECTION 8. IC 31-34-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. While the juvenile court retains jurisdiction under IC 31-30-2, the juvenile court may modify any dispositional decree:

- (1) upon the juvenile court's own motion;
- (2) upon the motion of:
 - (A) the child;
 - (B) the child's:
 - (i) parent;
 - (ii) guardian;
 - (iii) custodian;
 - (iv) court appointed special advocate; or**
 - (v) guardian ad litem;
 - (C) the probation officer;
 - (D) the caseworker;
 - (E) the prosecuting attorney; or
 - (F) the attorney for the county office of family and children; or
- (3) upon the motion of any person providing services to the child or to the child's parent, guardian, or custodian under a decree of the court.

SECTION 9. IC 31-34-23-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. If a hearing is required, IC 31-34-18 governs the preparation and use of a modification report. The report shall be prepared if the state or any person other than the child or the child's parent, guardian, guardian ad

1 item, **court appointed special advocate**, or custodian is requesting the
2 modification.".

3 Renumber all SECTIONS consecutively.

(Reference is to SB 340 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Bray

Chairperson